

ACTION SCT-00

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FBIE-00 VCI-00 H-00 TEDE-00 INR-00 IO-00 MOFM-00
MOF-00 VCIE-00 DCP-00 NSAE-00 NIMA-00 GIWI-00 DOHS-00
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INFO NSC WASHDC IMMEDIATE

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B1, 1.4(B), 1.4(D), B3, NSA50
D3 OTHER

SECDEF WASHDC PRIORITY
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S E C R E T LONDON 002768

NOFORN

STATE FOR L/BELLINGER; S/CT FOR NORMAN; S/WCI WILLIAMSON;
EUR/WE/UK YODER; NSC BRADLEY

E.O. 12958: DECL: 10/31/2018
TAGS: PTER, PGOV, PREL, UK
SUBJECT: [] SAYS NO INVESTIGATION OF U.S. OFFICIALS LIKELY B1
FROM REFERRAL OF BINYAM MOHAMED CASE

Classification Extended on : 2/2/2012 ~ Class: SECRET ~
Authority: DSCG 11-1 ~ Declassify on: 10/31/2033

REF: A. LONDON 2672
B. LONDON 2105
C. EMBASSY LONDON DAILY 31 OCT 2008

Classified By: Charge d'affaires, a.i. Richard LeBaron, reasons 1.4 (b, c,d).

1. (SBU/NF) UK press reported October 31 that Home Secretary Jacqui Smith had referred to the Attorney General for investigation allegations of criminal wrongdoing by British and American intelligence services during the interrogation of British resident Binyam Mohamed, who is currently detained at Guantanamo Bay (ref C). Binyam Mohamed has been the subject of legal proceedings before the UK High Court and the U.S. District Court over the question of whether potentially exculpatory classified documents should be made available to Mohamed's counsel to aid his defense and support his allegations that he was tortured by British and American officials while in detention (refs A and B).

REVIEW AUTHORITY:
Martin McLean, Senior
Reviewer

B1



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http://www.intelink.sgov.gov/wiki/Portal:United_Kingdom

LeBaron

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ACTION EUR-00

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S E C R E T LONDON 000630

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DEPARTMENT FOR EUR/WE, S/WCI, L/PM

E.O. 12958: DECL: 03/11/2019
 TAGS: PTER, PREL, PGOV, UK
 SUBJECT: RELEASE OF CLASSIFIED DOCUMENTS IN BINYAM MOHAMED
 CASE LIKELY TO BE REVISITED IN MAY

- REF: A. 08 LONDON 2768
- B. 08 LONDON 2672
- C. 08 LONDON 2105
- D. LONDON DAILY 02/05/09
- E. LONDON DAILY 10/23/08

Classified By: Charge d'Affaires, a.i. Richard LeBaron, reasons 1.4 (b & d).

1. (S/NF) Summary and comment. The UK High Court is expected to agree to reopen the court case brought by lawyers for former Guantanamo detainee Binyam Mohamed in response to a petition urging the Court to revisit its February decision not to order the release of classified documents that allegedly bear on Mohamed's claims of abuse while in detention in Pakistan and Morocco. The classified documents involved intelligence shared between the U.S. and the UK; the High Court "reluctantly" ruled on February 4 that national security considerations justified not compelling HMG to release the documents to the public, including Mohamed's UK lawyers (ref D). The High Court, in its February 4 ruling,

REVIEW AUTHORITY: Martin McLean, Senior Reviewer

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C18729865 U.S. Department of State Case No. F-2008-06808 Doc No. C18729865
indicated that lawyers for Foreign Secretary David Miliband
had informed it that the USG had threatened to withhold
future intelligence from the UK if the documents were made
public.

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[redacted]
[redacted] a statement in the House of Commons
by Miliband on February 5 that the United States had not
threatened to cut off intelligence cooperation, but told HMG
any public release would undermine the principle of
intelligence sharing.

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[redacted]
The request to the
Court to revisit its earlier decision will be heard the first
week of May.

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2. (S/NF) Summary and comment con't. UK press attention on
Mohamed's case is likely to continue as the May court
proceeding approaches. Opposition MPs, NGOs, and the media
are expected to intensify their calls on the Brown Government
to make public any information that will substantiate or
refute Mohamed's claims of torture while in detention and of
British government collusion in his alleged abuse.
Opposition parties have called for an independent
investigation into Mohamed's case and

1.4(D)

[redacted]
[redacted]
[redacted]
End summary and comment.

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Mohamed's Lawyers Go Back to the Well

[redacted]
[redacted] the UK High Court is
expected to reopen the court case involving classified
documents and claims of torture from Guantanamo detainee
Binyam Mohamed when they hear a petition from Mohamed's

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lawyers the first week of May 2009. Mohamed's lawyers and U.S. and UK media outlets are seeking the disclosure of evidence to substantiate claims that Mohamed was tortured while in custody in Pakistan and Morocco and that the abuse occurred with the knowledge or collusion of British security service officials. The evidence in question was the result of intelligence shared between the U.S. and the UK; the High Court "reluctantly" ruled on February 4 to not compel HMG to release the information into the public domain for national security reasons (ref

D). The High Court, in its February 4 ruling, indicated that lawyers for Foreign Secretary David Miliband had informed it that the USG had threatened to withhold intelligence from the UK if sensitive intelligence relative to Mohamed's alleged torture was made public.

[REDACTED]

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[REDACTED] a statement in the House of Commons by Miliband on February 5 that the United States had not "threatened" to cut off intelligence cooperation, but that any public release would undermine the principle of intelligence sharing. Miliband, in his remarks to the House, stressed that it was essential that the ability of the United States be able to communicate intelligence in confidence to the UK, and that such intelligence be protected. It was his judgment, he said, that the disclosure of intelligence at issue in the case by order of the courts and against the wishes of the USG would cause real and significant damage to the national security and international relations of the UK. (Embassy note: We have also used press guidance saying "we don't threaten allies.") Miliband indicated that U.S. authorities did not threaten to break off intelligence cooperation with the UK.

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Background on the Case

7. (C/NF) The High Court ruled on February 4 to leave out of its August 2008 judgment seven paragraphs summarizing reports made by the USG to HMG in relation to the detention and treatment of Guantanamo detainee Binyam Mohamed. At issue has been the Court's assertion that the paragraphs in question deal with a "credible allegation" of torture and that they would amount to "powerful evidence." The February

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4 ruling effectively meant that any potential decision to release the information, which was the result of intelligence shared between the two countries, would not be taken by British courts but rather within the U.S. legal system. The British government welcomed the decision, noting that the protection of national security information shared with the UK and the expectation of confidentiality under which such

information is shared must be respected. In their ruling High Court judges Lord Justice Thomas and Mr. Justice Lloyd Jones asserted that lawyers for Foreign Secretary David Miliband had told them that the USG had threatened to withhold intelligence from the UK if evidence of Mohamed, s alleged torture was made public. (Note: In its February 4 judgment the Court used the word "threat," i.e., "It was and remains (so far as we are aware) the judgment of the Foreign Secretary that the United States Government might carry that threat out and this would seriously prejudice the national security of the United Kingdom." We do not know if HMG representatives used the word "threat" in making their case to the Court. End note.) The judges ruled that Miliband had said that releasing the information could lead the United States to "reevaluate" its intelligence sharing with the "real risk that it would reduce the intelligence provided." The Foreign Office issued a statement denying that there had been any threat, and Foreign Secretary Miliband reiterated the same in a statement to the House of Commons February 5.

8. (SBU/NF) Binyam Mohamed, an Ethiopian-born UK resident, was detained in Guantanamo as an enemy combatant and has alleged that he was tortured while in detention in Pakistan and Morocco. The DOD Military Commission overseeing his case dismissed charges against him in October 2008, and he was released and returned to the UK on February 23. Mohamed's case and the February High Court ruling (particularly allegations of a U.S. threat) featured prominently in UK media and wire services. Those critical of U.S. detainee policy continue to make use of the ruling. Conservative MP and former Shadow Home Secretary David Davis called on the government to explain the threat allegations, and Shadow Foreign Secretary William Hague has repeatedly called for government transparency in the case.

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	VC-00	TEDE-00	INR-00	IO-00	VCE-00	DCP-01	NSAE-00	
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13AF ANDERSEN AFB GU// PRIORITY

NAVSUPPFAC DIEGO GARCIA//N00/JAG// PRIORITY

HQ 9AF SHAW AFB SC// PRIORITY

S E C R E T STATE 188947

Classification Extended on : 2/23/2012 ~ Class:
SECRET ~ Authority: DSCG 11-1 ~ Declassify on:
6/30/2028

E.O. 12958: DECL: 06/26/2013

TAGS: IO, MARR, MP, PREL, UK

SUBJECT: ANNUAL U.S.-UK DIEGO GARCIA TALKS

REF: 02 LONDON 3238

CLASSIFIED BY: DIR PM/ISO COL CHUCK WILSON FOR REASONS 1.5 A,B, AND D.

[Redacted Box] NR

REVIEW AUTHORITY: Martin McLean, Senior Reviewer

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DELEGATION PARTICIPANTS

2. (U) PARTICIPANTS INCLUDED:

UK DELEGATION:

MR. ALAN HUCKLE - LEAD DELEGATE AND FCO BIOT COMMISSIONER
MR. CHARLES HAMILTON - BIOT ADMINISTRATOR
MR. HENRY STEEL - BIOT PRINCIPAL LEGAL ADVISOR
MR. GAVIN WATSON - FCO, LEGAL ADVISOR
MS. LYNDA SMITH - OVERSEAS SECRETARIAT, WESTERN HEMISPHERE
CDR NEIL HINCH - BRITISH REPRESENTATIVE TO DIEGO GARCIA
MS. KATE SMITH - FCO SECURITY POLICY DEPARTMENT
DR. CHARLES SHEPPARD - CONSERVATION ADVISOR TO BIOT
LTCOL NIGEL ROWE - PERMANENT JOINT HEADQUARTERS, J5 PLANS

U.S DELEGATION:

COL CHARLES WILSON - LEAD DELEGATE AND DIRECTOR, OFFICE OF
INT'L SECURITY OPERATIONS
CAPT STEVE DINOBILE - NAVAL ADVISOR, OFFICE OF INT'L SECURITY
OPERATIONS
CDR THERESA MITCHELL - STATE DEPARTMENT LEGAL ADVISOR'S OFFICE
MS. REBECCA DUNHAM - STATE DEPARTMENT UK DESK OFFICER
LTCOL JOSEPH MINICUCCI - JOINT STAFF, J5
MR. MIKE WALSH - OSD POLICY

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MR. DANIEL LEADER - U.S. EMBASSY, LONDON

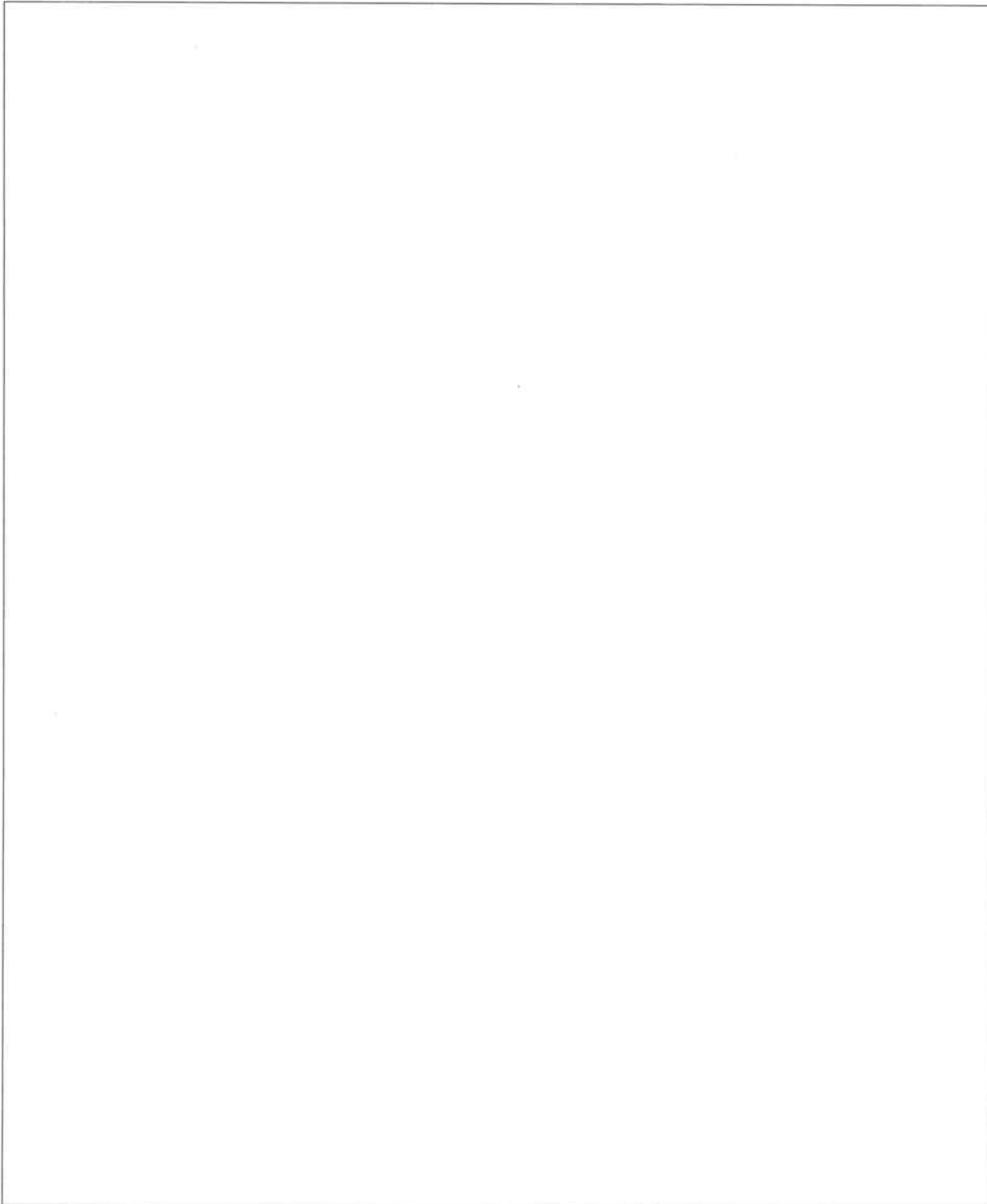
CAPT ROBERT HIBBERT - COMMANDING OFFICER, NSF DIEGO GARCIA

MR. WILLIAM STORZ - ASSISTANT GENERAL COUNSEL, MILITARY

SEALIFT COMMAND (MSC)

LT ROBERT SOTO - JAG, NSF DIEGO GARCIA

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DETAINEES AND LANDMINES ON DIEGO GARCIA

11. (S) HUCKLE RAISED CONTINUING PRESS REPORTS IN THE U.S. AND UK, INCLUDING AN ARTICLE IN THE WASHINGTON POST, ALLEGING THE USG HAD USED DGAR TO INCARCERATE OR TRANSIT DETAINEES

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FROM DEF. HE SAID THAT HMG HAS BEEN REPEATEDLY QUESTIONED IN PARLIAMENT ABOUT THE ALLEGATIONS, DESPITE GOVERNMENT DENIALS AND USG ASSURANCES, AND NOTED THAT IT WOULD HAVE BEEN HELPFUL HAD THE USG ISSUED A REBUTTAL TO THE POST ARTICLE. HE ASKED, FOR THE RECORD, FOR FURTHER REASSURANCE THAT NO DETAINEES HAVE BEEN BROUGHT TO DGAR. COL WILSON SAID THAT HE COULD BE QUOTED AS SAYING "THE U.S. HAS NOT USED DIEGO GARCIA FOR THE DETENTION OR TRANSFER OF ENEMY COMBATANTS AT ANY TIME."



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ACTION PM-00

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	NSAE-00	OIG-00	NIMA-00	TFBI-00	FMPC-00	SP-00	SSO-00	
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 TO SECSTATE WASHDC IMMEDIATE 2926
 INFO AMEMBASSY PORT LOUIS PRIORITY
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 HQ USAF WASHDC//XO/XP/POLAD// PRIORITY
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 USEUCOM AIDES VAIHINGEN GE//POLAD// PRIORITY
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 NAVSUPPFAC DIEGO GARCIA//N00// PRIORITY
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B3, NSA50, NR

S E C R E T LONDON 004726

Classification Extended on : 05/30/2014 ~ Class: SECRET ~
Authority: DSCG 11-1 ~ Declassify on: 06/23/2029

DEPT FOR PM/ISO, EUR/UBI, AF, AND NEA

E.O. 12958: DECL: 06/21/2014
 TAGS: MARR, MOPS, PREL, UK
 SUBJECT: ANNUAL U.S.-UK POL-MIL TALKS

Classified By: PolCouns Charles Skinner. Reasons 1.4 (a) (b) (d)

1. (C) Summary: Colonel Chuck Wilson, USAF, Director of Department of State Office of International Security Operations, led the U.S. delegation for the U.S.-UK pol-mil talks May 26-27 at the Foreign and Commonwealth Office (FCO) in London. Tony Crombie, FCO British Indian Ocean Territory (BIOT) Commissioner led the UK delegation. The talks focused on political and military issues related to Diego Garcia (DGAR) and addressed developments on DGAR that occurred during the past year.

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REVIEW AUTHORITY: Martin McLean, Senior Reviewer

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Detainees on Diego Garcia

8. (S) Crombie raised continuing press reports in the U.S. and UK, most notably a recent report on the BBC "Today" program, alleging the USG had used DGAR to incarcerate or

transit detainees. He said HMG has been repeatedly questioned in Parliament about the allegations, despite government denials and USG assurances, and noted that it would be helpful if the USG restated, for the record, that there had been no detainees transiting through the territorial seas, airspace or held on DGAR. Col. Wilson said that the USG certifies to HMG that at no time have there been any detainees, prisoners of war or any other persons of the sort on DGAR, or who have transited through the territorial seas or airspace surrounding DGAR.

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